IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 33735 -M of 2006.
Date of Decision: March 28, 2007.

Surinder Mohan Lal Chugh

....**Petitioner**

through
Mr. A.K.Khunger, Advocate

Versus

Parshotam Mohan Lal

...**Respondents**
through
Mr. Vijay Rana, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

In this petition under Section 482 Cr.P.C., the petitioner seeks quashing of criminal complaint (Annexure P-2), under Sections 500/193/195/211/166/511 IPC filed by the respondent in which the petitioner has been summoned to face trial.

Bad blood between the two brothers is the hall-mark of these proceedings. The petitioner and the respondent are real brothers and there appears to be a property dispute not only between them but amongst their other brothers and sisters also. The said property dispute has already prompted the petitioner to file a criminal complaint under Sections 418/420/465/467/468/471/120-B IPC against the respondent and their other brothers and sisters. In the said complaint, there are allegations of fabrication of documents

pertaining to various properties. Immediately after filing the said criminal complaint, the petitioner appears to have contacted the Correspondent of a newspaper, namely, “Rupana Times”. The said newspaper, very prominently published a news-item highlighting the mere filing of the aforesaid criminal complaint.

Alleging that the aforesaid news item has caused damage to his reputation and image in the society in general and amongst the relatives and friends in particular, the respondent has filed the impugned complaint for criminal defamation under Section 500 IPC etc. against the petitioner. Pertinently, the Correspondent, Editor or Publisher of the so-called newspaper are not even impleaded as accused.

Though, it is not desirable or expedient at this stage to express views on merits of the two criminal complaints referred to above, however, *prima facie*, it appears that the family feud amongst the brothers is taxing the precious time of the Courts which can very well be utilized to decide genuine and *bona-fide* disputes of hundreds of other litigants who are anxiously waiting their turn.

Neither the petitioner nor the respondent can be permitted to take the Courts for a ride. The frivolity in litigation shockingly multiplied and needs to be curbed with iron hands. Pre-emptory measures to ensure that unless a party has genuine, *bona-fide* and triable grievance, he should not eat into the valuable court time, can effectively check such kind of avoidable burden.

Consequently, this petition is disposed of with the following directions:-

(i) the interim order dated 30.10.2006 vide which the

petitioner was exempted from personal appearance is made absolute, subject however, to the conditions that he (i) shall be represented by a counsel before learned Judicial Magistrate; (ii) shall not dispute his identity as accused; (iii) shall have no objection if the evidence is recorded in his absence; (iv) shall come present before the learned trial Court as and when required and (v) shall comply with any other condition(s) that may be imposed by the learned trial Court.

(ii) the petitioner shall be at liberty to raise all the pleas before the learned Judicial Magistrate at an appropriate stage, which shall be gone into in accordance with law;

(iii) the respondent-complainant shall deposit a sum of Rs.50,000/- with the learned Judicial Magistrate within a period of three months from the date of receipt of a certified copy of this order, which, in case the learned Judicial Magistrate comes to the conclusion that the impugned complaint is false and frivolous, shall be paid as costs to the petitioner. It, however, shall not preclude the learned Judicial Magistrate from initiating any other legal action against the respondent, if so warranted in the facts and circumstances of the case;

iv) similarly, having regard to the emphatic plea taken by the respondent that he and his brothers

have been dragged by the petitioner in a false criminal complaint with an intent to defame them, the petitioner is also directed to deposit a sum of Rs.50,000/- within three months from the date of receipt of certified copy of this order, in the criminal complaint titled as "Surinder Mohan Chugh v Parshotam Mohan Chugh", filed by him under Sections 418/420/465/467/468/471/120-B IPC. Needless to say that in case the afore-stated criminal complaint is also found to be false and frivolous, the respondent and his co-accused facing trial in the said complaint shall be suitably compensated with the said amount. In the same manner, learned Judicial Magistrate shall be at liberty to initiate any other legal action, if so warranted, against the petitioner in the facts and circumstances of the case;

v) the petitioner as well as the respondent both shall be at liberty to withdraw their respective complaints, within the afore-stated period of three months, if so desired and in that event, they shall not be required to deposit the aforesaid amount of Rs.50,000/-.

vi) However, the observations made here-in-above, shall have no bearing on the merits of both the criminal complaints.

Disposed of.

March 28, 2007. **(SURYA KANT)**
dinesh **JUDGE**